

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5455
Date Filed 10/08/04
Hearing _____ Date _____
Receipt _____

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5455 MAP 61 TYPE Special Exception
ELECTION DISTRICT 01 LOCATION 2510 Philadelphia Road, Edgewood
BY SPLLC, 1052 Lakefront Drive, Edgewood, MD 21040
Appealed because a special exception pursuant to Sec. 267-53H(7) of the Harford
County Code to permit a restaurant in the B1 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name SPLLC Phone Number Call Attorney

Address 1052 Lakefront Drive Edgewood MD 21040-1306
Street Number Street City State Zip Code

Co-Applicant Dimitrios Mathioudakis Phone Number Call Attorney

Address 1127 Robin Hill Court Bel Air MD 21015
Street Number Street City State Zip Code

Contract Purchaser Dimitrios Mathioudakis Phone Number Call Attorney

Address 1127 Robin Hill Court Bel Air MD 21015
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 South Main Street, P. O. Box 1776 Bel Air MD 21014-776
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2510 Philadelphia Road, Edgewood, MD 21040
Lot 0.768 AC 2510 Philadelphia Road Van Bibber

Subdivision _____ Lot Number _____

Acreage/Lot Size 0.768 Election District 01 Zoning B 1

Tax Map No. 61 [±] Grid No. 01 Parcel 186 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: convenience store, retail use

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) miles of any incorporated town limits? Yes _____ No X

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

3 : 10/8/04

2 : 20079

206728

ATTACHMENT TO THE APPLICATION OF SP LLC

REQUEST: Special Exception approval pursuant to Section 267-53 (H)(7) of the Harford County Zoning Code (“Code”) to operate a restaurant on the subject property zoned B1, Neighborhood Business District, as shown on the attached site plan.

JUSTIFICATION: The proposed use is compatible with uses permitted as of right in the B1 district and will cause no adverse impact.

STD M.E. HA
METAL END SECTION
SEE DETAIL MD NO 01

RELEASE
STRUCTURE
SEE DETAIL
SHEET 3 OF 6

N 06° 06' 15" E 145.57'

S 48° 15' 00" E
- 022'

6" x 6" CONC.
HEAT PUMP PAD
STANDARD WADWA
15'-4" x 15'-4" TRASH AREA

EX. TO BE
REMOVED
STORE

PROPOSED WADWA
FF-931 • EX. SEPTIC

EX. WELL
EXTRUDED
CONC. CURB

EXISTING
HOUSE
TO BE
REMOVED

MONOLITHIC
CURB / BIOWALK

3 PARKING
SPACES
6' x 12' 6"

UNDERGROUND
SWIM. FACILITY
SEE SHEET 3 OF 6

FOR PAVING SECTION
SEE SHEET 2 OF 6

EXTRUDED
CONC. CURB

CONC. CURB

6" x 12' 6"

15' INLET

15' INLET

PRESTRESSING SIGN
SEE DETAIL THIS SHEET

N 05° 40' 56" W 204.01'

S 25° 15' 00" E 315.07' ± 25

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

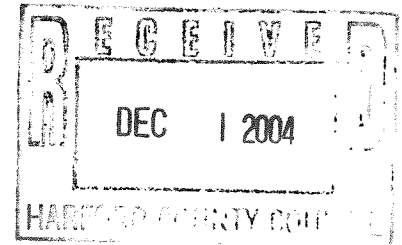


J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 27, 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5455

APPLICANT/OWNER: SPLLC
1052 Lakefront Drive, Edgewood, Maryland 21040-1306

Co-APPLICANT: Dimitrios Mathioudakis
1127 Robin Hill Court, Bel Air, Maryland 21015

CONTRACT PURCHASER: Dimitrios Mathioudakis
1127 Robin Hill Court, Bel Air, Maryland 21015

REPRESENTATIVE: John J. Gessner
11 South Main Street, P.O. Box 1776, Bel Air, Maryland 21014

LOCATION: 2510 Philadelphia Road, Edgewood, Maryland 21040
Tax Map: 61 / Grid: 01 / Parcel: 186
Election District: First (1st)

ACREAGE: 0.768 of an acre

ZONING: B1/Neighborhood Business District

DATE FILED: October 8, 2004

HEARING DATE: December 13, 2004

Preserving our values, protecting our future
(410) 638-3103

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SPLLC & Dimitrios Mathioudakis

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APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Special Exception approval pursuant to Section 267-53(H)(7) of the Harford County Zoning Code ("Code") to operate a restaurant on the subject property zoned B1/Neighborhood Business District as shown on the attached site plan."

Justification:

"The proposed use is compatible with uses permitted as of right in the B1 District and will cause no adverse impact."

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(7) of the Harford County Code to permit a restaurant in the B1/Neighborhood Business District.

Section 267-53H (7) of the Harford County reads:

- (7) *Restaurants. These uses may be granted in the VB and B1 Districts provided that:*
- (a) *The parking and access requirements of this Part 1 shall apply.*
 - (b) *The use is located with direct access to an arterial or collector road.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located in the southern end of the County, on the northwest corner of Philadelphia Road (MD Route 7) and MD Route 24. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in this area are Low, Medium and High Intensities, and Industrial/Employment. The Natural Features Map reflects Chesapeake Bay Critical Area, Sensitive Species Project Review Areas, Habitats of Local significance and Stream Systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

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Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Land uses range from residential to industrial. Residential uses include mobile home parks, single-family dwellings, townhouses, garden apartments, and condominiums. Commercial uses include retail and personal and professional service. Industrial activity includes warehouse/distribution facilities and light manufacturing. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject property has frontage on the Route 24 and Philadelphia Road (Route 7). Access to the property is from Route 7. Improvements consist of a frame and stone building with paved parking in front of the building. The rear portion of the lot as well as the adjoining property is densely wooded. Topography of the site is mainly level with the lot sloping down to the west side and rear. The property contains an existing business use called the Java Food Market. The building was originally constructed and used as a convenience store. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 7, 8, and 9).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes RO/Residential Office, B1/Neighborhood, B2/Community and B3/General Business Districts. Industrial zoning includes LI/Light Industrial, CI/Commercial Industrial and GI/General Industrial Districts. The subject property is zoned B1/Neighborhood Business Districts as shown on the enclosed zoning map (Attachment 10).

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SPLLC & Dimitrios Mathioudakis

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SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(7) of the Harford County Code to permit a restaurant in the B1/Neighborhood Business District.

Section 267-53H (7) of the Harford County reads:

(7) *Restaurants. These uses may be granted in the VB and B1 Districts provided that:*

The subject property is zoned B1/Neighborhood Business District.

(a) *The parking and access requirements of this Part 1 shall apply.*

The exiting building was originally approved in 1988 and constructed as a convenience store and later changed to the existing Java Food Market. The existing parking and driveway access to Route 7 was approved and built at that time. The site has 23 parking spaces. The proposed restaurant will require 1-space per 3-patrons seats or 1-space per 200 square feet excluding food preparation area, whichever is greater. Therefore the existing parking will allow for a restaurant with a maximum seating capacity of 69 seats.

(b) *The use is located with direct access to an arterial or collector road.*

Philadelphia Road is listed in the County's adopted Transportation Plan as an Arterial road.

Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

The proposed restaurant will provide a service to the residents and individuals working in the area. The proposal should have no adverse impact on the immediate area.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property is located on the north side of Philadelphia Road (Route 7) and the west side of MD Route 24. Access to the site is from Philadelphia Road (Route 7). The proposed use should not adversely impact traffic conditions in the area. Because of the limited amount of parking on the site the number of seats shall be limited to 69.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

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SPLLC & Dimitrios Mathioudakis

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The proposed use would provide a service to the residents and individuals working in the area. This use will be compatible with the neighborhood. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not have an impact on the area based on the issues in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide police protection. The Abingdon and Edgewood Volunteer Fire Companies will provide the primary fire protection and emergency services. Water and sewer facilities will be provided by public water and sewer. A company of the Applicants' choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The restaurant will not have an impact on any institutional structure in the area.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There are no environmentally sensitive features that will be impacted by the conversion of the present structure for a restaurant.

- (10) The preservation of cultural and historic landmarks.

Not applicable to the subject request.

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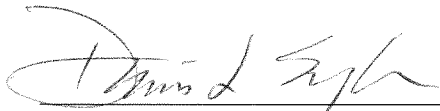
SPLLC & Dimitrios Mathioudakis

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RECOMMENDATION and or SUGGESTED CONDITIONS:

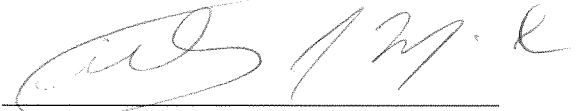
The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the conversion of the existing structure for a restaurant
2. The Applicants shall prepare a landscaping plan that provides landscaping around the perimeter of the parking lot.
3. The restaurant shall be limited to a maximum of 69 seats.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning